IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6425 OF 2005

Sou. Ujwala Balkrishna Ratnaparkhi ...Petitioner
vs.
Shivajirao Keru Shinde
and Ors. ....Respondents

S.G. Deshmukh for the petitioner.
R.V. More, Advocate for Respondent no.1 to 4.

CORAM: S.U. KAMDAR, J.

DATE : 25th November, 2005.

P.C. :

1. The present petition is filed challenging the order dated 20.9.2005 passed by the Appeal Court in Misc. Appeal N. 2 of 2005. By the impugned order the appeal court has granted the interim order which was initially rejected by the trial court.

2. In paras-9, 10 and 11 of the order the appeal court has given reasoning by holding that the trial court failed to consider the diverse documentary evidence produced by the respondent in support of his application for injunction restraining the petitioner/defendant from interfering with his possession. The trial court has disbelieved the case of the respondent that they are in possession of the said property and therefore the said injunction should not be granted. After perusal of the documents which are set out in the impugned order the aforesaid finding has been given by the trial court. I am of the opinion that in a writ jurisdiction under Article 227 of the Constitution of India it is not possible to reappreciate the evidence produced before the court and the court having inferred from the said documents that the respondent/plaintiff is in possession of the property. I do not find any perversity or an error apparent on the face of the record to interfere in writ jurisdiction Article 227. Petition dismissed. No order as to costs.

3. The hearing of the suit bearing No. R.C.S. No. 302 of 2004 pending before the Civil Judge, Junior Division, Islampur is expedited.

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